

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

WEISBERG LAW
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Fax: 888-283-1334
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Natalie Spence
2 Sterling Terr
Unit D
Stratford, NJ 08084

Plaintiff,

v.

State of New Jersey
125 West State Street
Trenton, NJ 08625

And

New Jersey State Judiciary
125 West State Street
Trenton, NJ 08625

And

John Callender, Individually and in his
Official capacity as Judiciary Clerk
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

Cornell Williamson, Individually and in
his Official capacity as Assistant Chief
Probation Officer
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

CIVIL ACTION NO.:

JURY TRIAL OF TWELVE (12) JURORS
DEMANDED

Sarah Barbella, Individually and in her
Official capacity Assistant Chief
Probation Officer
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

Renata Kiersnowski, Individually and in
her Official capacity as Supervisor of
Adult Probation
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

Helen Springer, Individually and in her
Official capacity as Supervisor of
Juvenile Probation
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

Yakita Daaliya-Watson, Individually and in
her Official capacity as Judiciary Clerk
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

Iris Mitchell, Individually and in her
Official Capacity as Judiciary Clerk
Hall of Justice
101 South 5th Street
Camden, NJ 08103

And

John Does 1-10 :
 :
Defendants. :

CIVIL ACTION COMPLAINT

I. Jurisdiction and Venue

1. Jurisdiction in this Honorable Court is based on a violation of federal law conferred by 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.
2. Venue lies in this district in that the events giving rise to this claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, and/or does business here, and/or the property which is the subject of this action is situated within this district.
3. At all times relevant to this complaint, Defendant State of New Jersey was the employer of Plaintiff as the term is defined by NJLAD.
4. All conditions precedent, including the EEOC Right to Sue, have been satisfied. **Exhibit A**

II. Parties

5. Plaintiff, Natalie Spence, is an adult individual, currently residing at the above captioned address.
6. Defendant, State of New Jersey, is a government entity doing business at the above captioned address.
7. Defendant, New Jersey State Judiciary is an entity existing under the laws of the State of New Jersey, with an office for the acceptance of services at the above captioned address.

8. Defendant, John Callender, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage acting under color of State Law.
9. Defendant, Cornell Williamson, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage as Assistant Chief Probation Officer acting under color of State Law.
10. Defendant, Sarah Barbella, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage acting under color of State Law.
11. Defendant, Renata Kiersnowski, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage a supervisor of the Child Support Division acting under color of State Law.
12. Defendant, Helen Springer, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage acting under color of State Law.
13. Defendant, Yakita Daaliya-Watson, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage acting under color of State Law.
14. Defendant, Iris Mitchell, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of Superior Court of New Jersey – Camden Vicinage acting under color of State Law.

15. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

IV. Statement of Claims

16. On or about June 26, 2017, Spence was hired as a Judiciary Clerk 2 in the Camden Vicinage Child Support Division of the Camden County Probation Department.

17. Spence's supervisor at the time was Defendant, Renata Kiersnowski.

18. Kiersnowski assigned Defendant, John Callender to train Plaintiff.

19. Within a few days of beginning her new job Callender began to sexually harass Spence.

20. While Spence was sitting at her cubicle Callender approached her from behind stood in front of her with his groin in her face began asking her personal questions and attempted to touch her.

21. Spence reported Callender's behavior to Kiersnowski advised she felt Callender was a threat to her.

22. Kiersnowski told Spence that Callender was not a threat, that he had some personal setbacks and to be patient with him.

23. Kiersnowski did not make a formal report of the incident but stated she would speak with Callender; upon information and belief, Kiersnowski never spoke to Callender.

24. Over next month, Callender continued to sexually harass Spence including but not limited to pushing his groin into her while she was attempting to file paperwork into a filing cabinet, blowing her kisses, and attempting to touch her.
25. During this time, Callender would tell Spence that she was on probation and that no one would believe her allegations against him.
26. On or about July 20, 2017, during the annual Probation Division BBQ, Callender made sexually offensive comments and gestures to Spence while she was in the customer service area.
27. Callender made sexually offensive comments about a hot dog to Spence and attempted to give Spence a hot dog-despite knowing she was a pescatarian.
28. During the BBQ Callender was not wearing his work issued uniform and was walking around in his undershirt.
29. Callender approached Spence in the customer service area while wearing his undershirt and began making sexually offensive gestures to Spence while straddling the back of her chair.
30. Following Callender's lewd actions he began putting on his work shirt in front of Plaintiff.
31. Callender unbuttoned his pants and began tucking in his shirt while staring at Spence and making sexually offensive noises while doing so.
32. Spence immediately reported the incident to Kiersnowski, again Kiersnowski ignored Spence's complaints and failed to report or reprimand Callender.
33. As a result of reporting Callender's behavior, Spence began to experience retaliation from her supervisors and co-workers.

34. Upon information and belief, Kiersnowski, failed Spence on her career progression in July 2017 (following her report of Callender's behavior at the BBQ).
35. Spence then reported Callender's behavior to Defendant, Cornell Williamson.
36. In August 2017, instead of reprimanding Callender, Defendant Williamson, had Spence transferred to the Administration Unit of the Camden County Probation Department.
37. Upon information and belief, the transfer was intended to punish Spence for reporting Callender's behavior.
38. Spence's new supervisors became Defendant, Sarah Barbella.
39. Spence's new duties included distributing car keys for probation officers' vehicles, ensuring that probation officers return their vehicles using proper procedures and ensuring vehicles were properly inspected.
40. Immediately, Spence realized that many probation officers failed to follow procedures regarding the use of probation issued vehicles.
41. Spence would attempt to enforce the rules regarding the use of probation issued vehicles and would constantly be met with opposition from her co-workers.
42. Spence's co-workers began to complain directly to Barbella- resulting in numerous meetings between Spence and Barbella.
43. During these meetings, Spence made Barbella aware of the issues regarding probation officers failing to keep proper fuel logs, exchanging keys without informing the office and other serious issues.
44. Barbella failed to reprimand Spence's co-workers resulting in Spence being ostracized.

45. Upon information and belief, Barbella retaliated against Spence by giving her a failing work performance review for reporting her co-workers failures to adhere to proper procedures regarding the use of the probation issued vehicles.
46. Following Barbella's poor performance review, Spence met with Williamson to discuss those results.
47. Spence expressed to Barbella that she felt Barbella had given her a poor performance review due to Spence's reporting of the improper procedures her fellow co-workers were engaging in.
48. Barbella chose to transfer Spence to another unit instead of reprimanding her co-worker who had failed to file follow proper procedures.
49. In April 2018, Spence was then transferred to the Juvenile Probation Unit.
50. Upon being transferred Spence's new supervisor became Defendant, Helen Springer.
51. Upon being transferred to the Juvenile Probation Unit Spence began to experience a hostile work environment perpetrated by Defendants, Yakita Daaliya-Watson and Iris Mitchell.
52. While sitting at her cubicle, Spence could hear Watson and Mitchell discussing her transfer to their unit.
53. Watson and Mitchell made comments about Spence such as "I don't know who these young people think they are; they walk around here as though they self-entitled and someone owes them something."
54. On another occasion, Spence heard them state "Natalie doesn't do anything around here; she is just more work for us."
55. On or about May 24, 2018, Springer requested a meeting with Spence.

56. Springer advised that Spence's co-workers had spoken to Springer, advised that Spence was not aware of her job description and duties.
57. Spence told Springer she understood her job duties and told Springer about Watson's and Mitchell's unwelcoming behavior.
58. Springer continuously refused to provide proper relief for Spence and denied her personal time off.
59. On or about May 30, 2018, Spence approached Williamson and advised him of Watson and Mitchell's harassment.
60. Williamson told Spence he would schedule individual meetings with each of them and their supervisors.
61. The following day a meeting was held with Spence, Watson, Mitchell, Williamson all in the same room.
62. During this meeting things became heated at which point Watson stood up and screamed: you "fucking bitch" (at Spence) expressing she did not want Spence in the division and stating that Spence had a bad reputation.
63. The meeting concluded, and at no time was Watson reprimanded for her comments to Spence.
64. The following day Spence discovered a drawing had been placed on her desk.
65. The drawing depicted a stick figure traveling from Building 5 (Child Support Unit) to Building 6 (Juvenile Probation) stating "when it rains, it pours."
66. Spence continued to be harassed by Callender, who would visit her work and make suggestive eye contact and unwanted attention.

67. Spence continued to be ostracized by her co-workers and supervisors until her transfer to Salem County Superior Court.

COUNT I - TITLE VII
SEXUAL HARASSMENT AND
HOSTILE WORK ENVIRONMENT

64. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

65. Plaintiff is a member of a protected class.

66. Defendants have subjected Plaintiff to the aforementioned adverse actions by creating a hostile work environment.

67. Defendants have subjected Plaintiff to the aforementioned adverse actions by creating failing to address the poor treatment and sexual harassment endured by Plaintiff.

68. Said sexual harassment and hostile environment against Plaintiff were pervasive and regular.

69. Said sexual harassment and hostile environment have affected Plaintiff to her detriment.

70. Said sexual harassment and hostile environment would detrimentally affect a reasonable person under similar circumstances.

71. Said sexual harassment and racial discrimination has caused this hostile work environment.

72. Said sexual harassment has exacerbated the already hostile work environment to the point of a crisis.

73. Plaintiff is suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' sexual misconduct unless and until this Court

grants the relief requested, including monetary damages, unless and until this Court grants the relief requested herein.

74. Said violations were intentional and willful.

75. As a direct and proximate result of Defendants' violation of Title VII, Plaintiff had sustained the injuries, damages, and losses set forth herein and have incurred attorneys' fees and costs.

76. Plaintiff suffers and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' acts unless and until the Court grants the relief requested herein.

COUNT III
CLAIM OF SEXUAL HARRASSMENT UNDER THE LAW AGAINST
DISCRIMINATION

77. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

78. For the reasons set forth above, the Defendants' are liable to Plaintiff for the sexual harassment she experienced in the workplace.

COUNT III
LAW AGAINST DISCRIMINATION – RETALIAION

79. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

80. Following Plaintiff's complaints of the hostile work environment, Defendants retaliated against her.

81. Defendants' retaliation was meant to coerce, intimidate, threaten, and/or interfere with the exercise or enjoyment of her rights protected by the LAD.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection to Defendants' improper conduct and specifically prays that this Court grant the following relief to Plaintiff:

- a) declaring the acts and practices complained of herein to be in violation of Title VII;
- b) enjoining and permanently restraining the violations alleged herein;
- c) entering judgment against the Defendants and in favor of Plaintiff in an amount to be determined;
- d) awarding compensatory damages to make Plaintiff whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiff have suffered or may suffer as a result of Defendants' improper conduct;
- e) awarding compensatory damages for Plaintiff for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiff has and will continue to suffer as a result of Defendants' improper conduct
- f) awarding punitive damages to Plaintiff;
- g) awarding Plaintiff, the costs of suit, attorneys' fees; and expert fees and other; and
- h) granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

Respectfully Submitted,

WEISBERG LAW
BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ

DATED:12-17-19

SCHAFKOPF LAW, LLC
BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ.

DATED: 12-17-19

EXHIBIT A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Natalie Spence**
2 Sterling Terrace Unit D
Stratford, NJ 08084

From: **Philadelphia District Office**
801 Market Street
Suite 1300
Philadelphia, PA 19107



*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

530-2018-04180

Legal Unit,
Legal Technician

(267) 589-9700

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Sept 19, 2019

Enclosures(s)

Jamie R. Williamson,
District Director

(Date Mailed)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.